No. 98-830

(4)

Supreme Court, U.S.
FILED
DEC 22 1998
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1998

AMOCO PRODUCTION COMPANY,
on behalf of itself and the class it represents,
Petitioners,

v.

SOUTHERN UTE INDIAN TRIBE,
Respondent.

Petition for a Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit

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AMICUS BRIEF OF LA PLATA COUNTY, COLORADO IN SUPPORT OF PETITION FOR CERTIORARI

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33 pp

QUESTION PRESENTED

Whether, in reserving to the United States "coal" in lands patented under the 1909 and 1910 Coal Land Acts, 30 U.S.C. § 81, 83-85, while passing the surface land and all other minerals (including natural gas) to the patentee, Congress reserved only the solid rock fuel commonly known as "coal," but not natural gas in coal formations, as the Department of Interior determined in a formal Solicitor's opinion entitled to judicial deference under *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

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STATEMENT OF INTEREST OF AMICUS CURIAE, LA PLATA COUNTY, COLORADO

Historical Background

La Plata County is located in the southwest corner of Colorado; its southern boundary is the state of New Mexico. The city of Durango, established in 1881 as the County seat, is less than 60 miles from the four corners of New Mexico, Utah, Arizona and Colorado (App. 1a, Vicinity Map of La Plata County, Colorado).

La Plata County and the State of Colorado were created from lands ceded to the United States by Mexico in 1848 (App. 2a, 3a, La Plata County Budget). The current Reservation of the Southern Ute Tribe (Tribe), was created from these lands, although what is presently known as the Tribe was legally established in 1880.

Previous to that, in 1862, Congress authorized the grant of public land for what we would today call infrastructure: roads, canals and railroads to facilitate western expansion. Congress also encouraged settlement of the surface lands by those who were willing to homestead 160 acres. *See* Homestead Act, § 12 Stat. 392, 93 (1862). Development of the vast federal coals located in the West was fostered by the enactment of additional federal statutes, first in 1864, and again in 1873. *See* Act of July 1, 1864, ch. 205, 13 Stat. 343; Act of March 3, 1873, ch. 279, 17 Stat. 607. Thus, when Colorado became a state in 1876, the rights of homesteaders and mineral owners were already in place. Four years later in 1880, the respondent Tribe was legally established. *See United States v. Southern Ute Tribe*, 402 U.S. 159, 161-165 (1971).

Fifty-eight years after the Tribe was legally established, it received the coal conveyed by the Department of Interior. *Southern Ute Indian Tribe v. Amoco Prod. Co.*, 151 F.3d 1251 (10th Cir.

1998). The 10th Circuit has now held that this coal includes the methane gas. *Id.*

The Tribe and the County

The Tribe, a Sovereign Nation, is predominately located within the boundaries of La Plata County, Colorado, with the balance located in adjoining Archuleta County (App. 1a, Vicinity Map of La Plata County, Colorado). As of 1997, the total County population, including Tribal members, was 40,939 (App. 7a, La Plata County Population). The Tribe consists of 1305 members (App. 4a, Tribal Enrollment) with 895 living within the Reservation boundaries and the balance of 410 living elsewhere. More than seven times as many non-tribal members as Tribal members live within the Reservation boundaries, a total land area which consists of 1,058.6 square miles (App. 5a, 6a American Indian Reservations and Trust Lands). Thus, the Southern Ute Reservation has a current population of 7,804 with 6,099 of those Reservation inhabitants being non-tribal members. Yet, all the mineral resources at issue are located within the Tribal Reservation boundaries.

Due to the various federal statutory enactments, the present day Reservation is a checkerboard of Tribal and non-tribal (fee) ownership both on the surface and the sub-surface. Thus, the Tribe owns approximately one-half of the surface lands within the Reservation (App. 9a, Southern Ute Indian Tribe Surface Ownership within the Indian Reservation). The balance of the property within the Reservation is owned by non-tribal citizens, many of whom trace their origins to the original homestead families who still farm and ranch in this area. Nonetheless, that portion of the County which is the Southern Ute Indian Reservation is still the least settled or least densely populated area of the County (App. 2a, 1998 La Plata County Budget).

Given its origins as federal land as well as the existence of the Southern Ute Tribal Reservation, a small tract of the Ute

Mountain Ute Reservation, National Forest, Bureau of Land Management and a small portion of land owned by the State of Colorado, La Plata County has thousands of acres, almost one-half of the entire county, which are exempt from taxation. (App. 8a, Non-Taxable Land of La Plata County). The effect of the 10th Circuit decision is to take more property off the tax rolls of the County, the school districts and the special districts. Because so much of the County is already tax exempt, the impact of more exemptions magnifies the loss of revenue.

While minerals in the West are severable from the surface, a review of the title to the minerals located within the Reservation also produces a checkerboard array (App. 13a, Fruitland Coalbed Methane Development as of April 9, 1998, Ignacio Blanco Field Southern Ute Indian Reservation Prepared by Southern Ute Department of Energy). Focusing just on the type of gas at issue in this case, coalbed methane ("CBM"), the Tribe's own documents show they already own a substantial majority of CBM located within the Reservation (Pink legend = Tribal coal/Tribal oil & gas). Conversely, the gas at issue in this case (Green legend = Tribal coal/fee oil & gas) which will become Tribal property if the Tenth Circuit decision is final, would combine Tribal ownership with coal and coalbed methane within the Reservation to upwards of 80%. This map also demonstrates that because neighboring Archuleta County has a much smaller portion of the CBM at issue, La Plata County will face the bulk of the financial impact of the Tenth Circuit decision.

Oil and Gas Development in the County

The earliest known drilling for oil and gas in the San Juan Basin field which is partially located in La Plata County was in 1921, eighteen years before the coal reserves were conveyed to the Tribe by Department of Interior. *James E. Fassett, Geology and Coal-Bed Methane Resources of the Northern San Juan Basin, Colorado and New Mexico* (1988). The first genuine oil and gas "boom" in this County was in the 1950's. (App. 3a, 1998 La Plata County Budget). Oil and gas development plays an increasingly

significant role in La Plata County's economy. (App. 3a, The 1998 La Plata County Budget at its present value is 561.7 million dollars, almost 50% of all La Plata County valuation (App. 10a, Total Valuation: La Plata County, Colorado 1988-1998).

Solicitor's Opinion and Tax Incentives:

In 1981, when the Solicitor's opinion was issued, "*Ownership of And Right to Extract Coalbed Gas in Federal Coal Deposits*, 88 Interior Dec. 538 (1981), another oil and gas boom ensued. Drilling activity was accelerated not only due to the Solicitor's opinion, but also, as a result of the enactment by Congress of legislation designed to induce exploration of alternative or non-conventional energy sources. 26 U.S.C. § 29(A)(C)(1). This tax credit applied both to the producers as well as the mineral owners as Congress was encouraging landowners to lease coalbed gas and also encouraging oil companies to drill for it.

Among the purposes of the tax credit was the encouragement of the development of coalbed methane. *See generally, S. Rep. No.* 394, 96 Cong. 1st Sess. 87 (1979). As originally drafted, the tax credit incentive was to expire before 1990, however, it was extended for one year. *Technical and Miscellaneous Revenue Act of 1988*, § 6302, amending 26 U.S.C. 29(f)(1)(a). Expiration of the tax credit for CBM culminated in extensive drilling in 1990, the last year of the tax credit (App. 12a, La Plata County Drilling Permits and Production Values).

***Ad Valorum* Taxation**

Assessment and taxation of real and personal property is a creature of the Colorado Constitution. *Colo. Const.* Art. X, § 3. Uniquely, Colorado has a constitutional requirement (the *Gallagher Amendment*) that taxation of residential property cannot exceed a fixed amount of 21%, while all other property, including oil and gas property, is assessed at 29% of actual value. *Id.*, § 3(b). Consequently, a removal of oil and gas production in La Plata

County, Colorado, can have a greater negative financial revenue impact as compared to those counties which rely upon a smaller percentage of oil and gas tax revenue.

In La Plata County, *ad valorum* taxation supports three (3) school districts (including the Ignacio School District which the vast majority of Tribal children attend), all special districts located within the Reservation (including fire protection for the Tribe and its natural resources), and the County.

Today, La Plata County has a valuation of oil and gas of 561.7 million dollars, which is twice the valuation of our entire residential properties (App. 10a, Total Valuation: La Plata County, Colorado). The majority of this highly valued oil and gas is located within the Reservation and much of it is the coal bed methane at issue.

Tribal Exemption

Tribal properties located within the confines of the Reservation, held in trust, are exempt from taxation. 25 U.S.C. § 465, "Protection of Indians in Conservation of Resources." From a local government perspective, this is the single most important fact which justifies certiorari because the revenue supported entities, the schools, the County and all special districts, will lose substantial revenue if the Tribe owns the CBM at issue.

Economic Impact of the Decision

For purpose of analyzing the economic consequences of the the 10th Circuit decision, it is important to note the best indicator of value is not drilling activity, but production. Production is the key because when a natural gas well becomes a producer, it has value, while a dry hole does not. Because a producing well can have a production life of between 5 and 50 years its true economic value must be judged by multiplying its annual value by its estimated production life. Accordingly, though drilling since the

expiration of the tax credit has waned (and virtually stopped within the boundaries of the Reservation since the 10th Circuit decision) production and its corresponding impact on taxation valuation continue a strong increasing trend. Even though drilling peaked in 1990 (App. 12a, La Plata County Drilling Permits and Production Values) production and valuation numbers have increased up to 1997 (App. 12a, La Plata County Drilling Permits and Production Values) and this trend will continue to increase unless the properties at issue herein become exempt from taxation.

Conversely, with the increase in production, total valuation for purposes of assessing *ad valorum* taxation against oil and gas properties increased from 1988 to 1998, from 44.5 million dollars to 561.5 million dollars, an increase of 1300%. (App. 10a, Total Valuation: La Plata County, Colorado 1988-1998).

The Court should be made aware that the most significant portion of this production and valuation growth, as well as tax revenue increases linked to it is the result of the growth of CBM, the gas at issue in this case. The economic forecast of the effect on local goverment if this decision remains final is catastrophic. As indicated *infra* at pp. 8-9, the best estimate of the loss of local government revenue lost as a result of the 10th Circuit decision is between 100 million and 160 million dollars. This revenue will be taken away from the schools, special districts and County services.

REASONS FOR GRANTING THE PETITION

A. The Decision of the Tenth Circuit is Disruptive of Long Standing Rules of Property and Established Federal Policy Which Should Not be Abandoned.

While CBM is the subject of this petition, the historical development of oil and gas, within La Plata County, is based upon long standing rules of property, including ownership and the

administration of the federal mineral patent system which has been in place for over 120 years. The Tenth Circuit decision has disrupted an entire industry and uprooted the long standing, historically established rights of the royalty owners. Some of these royalty owners hold patents issued by President Wilson, in 1918; many of them are elderly or have fixed incomes on small farms and are children or grandchildren of the original patentees. The existing ruling threatens their entire way of life.

Moreover, because the alternative fuels tax credit which accelerated the CBM boom extended to royalty owners, lessors and the industry, a determination that those tax credits were wrongfully taken will have a disastrous impact on the individual royalty owner. It is estimated that if this decision is sustained, the financial impact on the royalty owners would be ten times the original tax credit, due to the peculiar way that a tax credit when abrogated is translated on the royalty owners' amended tax return. Simply put, if the royalty owners are no longer the owners of the coalbed methane, they lose the benefit of the tax credit and may face serious economic consequences. Thus, a royalty owner who originally received a $1,000 tax credit could owe $10,000 to the Federal Government, a price many could not afford to pay.

As Petitioner emphasizes, this case involves a reversal of long standing Federal Government policy. For many years, and certainly since the Solicitor's opinion in 1981 every affected entity (the petitioner, the royalty owners, the school districts, special districts and La Plata County), have relied upon the benefits flowing from the existing system, the Solicitor's opinion and the tax credit. They have also borne the administrative and legal burdens which came with the development of coalbed methane. For example, the County has expended millions of dollars administering its oil and gas regulations and improving the County roads subjected to increased drilling activity.

While the position of the Department of the Interior, their Solicitor and the Solicitor General's office has yet to be fully determined, it is obvious that since their filing of their first brief

in the Tenth Circuit, the Department of the Interior, by their Solicitor and the Solicitor General's office have not steadfastly supported the earlier established federal position. Indeed, absent filing a brief with this Court in complete support of the Solicitor's opinion, the Federal Government will consciously abandon the Solicitor's opinion or, at a minimum, fail to steadfastly follow the course launched by the government in 1981. The Solicitor General may even support a complete reversal of what the Department of the Interior stated was federal policy.

La Plata County submits that such a reversal or dilution of express federal policy cannot occur without well stated reasons and none have been offered. Absent such justification, federal policy should remain as stated in 1981.

This Court should review the decision of the Tenth Circuit to ensure that the Federal Government may not abandon its position, as originally set forth in an opinion of the Solicitor of the Department of the Interior as well as the Congressional mandate encouraging development of this valuable resource.

B. The Decision will Wreak Financial Havoc with Local Government.

Because the Tribe, is exempt from taxation, the practical financial effect for local government is that the revenue received from the coalbed methane will be lost by local governments, school districts and all special districts. This would be a financial catastrophe.

Although the calculations for the life of the CBM field are subject to much debate, the preponderance of valid evidence suggests that the field where this coalbed methane is located has a life of between 10 to 50 years. More importantly, it has recently been demonstrated that the original estimate regarding the size of the coalbed methane field at issue has been grossly underestimated

as the original gas-in place estimate for the entire San Juan Basin Fruitland formation, 50 Tsf, has now been found to be at least 100 Tsf. Charles R. Nelson, *Advances in Coalbed Reservoir Gas-In Place Analysis, Gas Research Institute, 1998,* at p. 9.

La Plata County's estimate of the reduction in property tax revenue incidental to this decision is not precise. We are told that Amoco's share is 40% of all coalbed methane at issue and that they are entitled to a tax abatement of 1.9 million dollars per year. Consequently, we believe that the total amount of money which would be taken away from the school districts, special districts, and the County, all of which are dependent on *ad valorum* taxation would be, at present values, approximately 4 million dollars a year. Given a conservative analysis it is probable that the result of this decision, over the median expectations regarding the life of the field at 25 years, would be a reduction of revenue for schools, special district and the County of 100 million dollars. To paraphrase Senator Everett Dirksen, a million dollars here and a million dollars there soon add up to real money. If the life of the field at issue were to be 40 years, we are facing a loss of 160 million dollars in taxation revenue. Even if the lowest estimate of the life of the field were applied for 10 years, the potential loss to the school districts, special districts and the County would be 40 million dollars, a catastrophic amount.

Thus, if this decision remains final and is not reviewed by this Court, it will wreak financial havoc with all local government, local education and special districts in La Plata County.

C. The Magnitude of this Case Demonstrates it can Only be Resolved by Review by the United States Supreme Court.

According to the Tribe's own evaluation, at a minimum, the value of the coalbed methane at issue in this case is 1 billion dollars. Dave Staats, *Tribe Wins Again in Coal-Bed Methane Case*, The Durango Herald, July 21, 1998 at 1a.

The decision of the Tenth Circuit constitutes a reversal of express federal policy in place for at least 17 years and, from the perspective of the royalty owners and Amoco, a disruption of their property rights which were in place long before the Solicitor's opinion.

This case involves resolution of a dispute which has its origins in a clear legal conflict between two different adminstrations of the Executive Branch and the Congress. It further involves significant, differing intrepretations of mineral and taxation policy. A review by the Court will define the future relations between the Federal Government, a Sovereign Nation, the State, 3 school districts, a County, numerous special districts, 3,000 royalty owners and an industry with countless individual investors.

The decision of the Tenth Circuit, for the reasons set forth in the Petition for Certiorari, and this brief, is a legal, scientific, historical and logical aberration. A case of this magnitude can only be resolved by a reasoned decision by the United States Supreme Court.

CONCLUSION

This Court should grant the petition for certiorari of Amoco Production Company, Inc.

Respectfully submitted this 22nd day of December, 1998.

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Vicinity Map of
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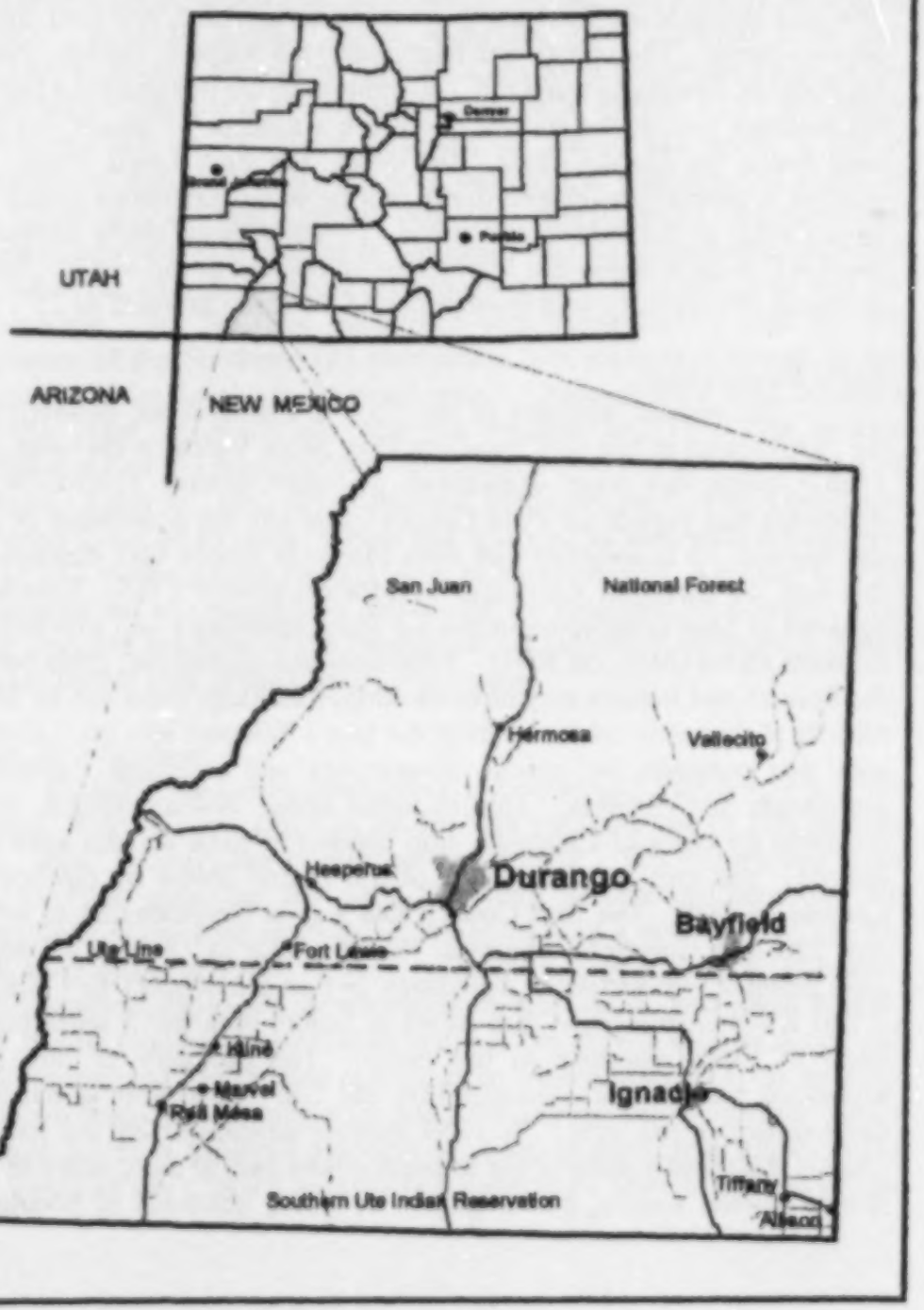

LA PLATA COUNTY, COLORADO

Geography

La Plata County is located in southwestern Colorado in what is known as the Colorado Plateau bordered in the north and east by mountains that reach elevations of 14,000 feet. During the first 75 years after discovered by non-native peoples, the natural barrier of mountains and remoteness retarded economic development and settlement of the area. The land slopes toward the south reaching as low as 5,900' near the New Mexico border. The county has four rivers: the Animas, Florida, Pine and La Plata, all flowing to the south. In addition to the mountainous terrain in the northern part of the county, there are a number of mesas, the major ones being the Florida Mesa, Red Mesa and Fort Lewis Mesa. The weather is generally mild with the exception of the mountains where it can be subarctic at the higher elevations. Temperatures rarely exceed 100 degrees F in the summer nor lower than 10 degrees in the winter. Rainfall is around 19" annually with the mountains receiving as much as 25".

Early Exploration

The earliest residents of the County were Indians, believed to be the descendants of the cliff dwellers after Mesa Verde to the west of La Plata County had been abandoned probably around 1100-1200 AD. Following that period, La Plata County came into the possession of Spain and Mexico. It is believed that Juan Maria de Rivera was dispatched to this area by Governor Cauhupin of Mexico around 1765. Rivera was believed to have prospected in the La Plata Mountains and proceeded as far north as the Gunnison River. Following this expedition, trade between the Spanish and Indians may have developed although there are no official records of this early trade. During the late 1700s and into the 1830s, the area was transited by various adventurers and suppliers traveling to settlements in California. This included Major William Gilpin, later a territorial governor of Colorado, who conducted some actions against the Indians. The area became a part of the United States by the Mexican Cession of 1848. The first County seat was at Howardsville in what is now San Juan County to the north. In the winter of 1849 an adventurer, John Fremont, conducted an expedition to find a new route to California. It was a winter expedition that ended in failure with much suffering and death of many members in the party. The publicity of this failed expedition was further evidence that the San Juans were a barrier to development of the area. In 1859 another adventurer by the name of Charles Baker led a party of six to the northern part of the County to what is now Eureka seeking placer gold. By 1861, hundreds of people had

invaded the area and occupied the eastern slope of the San Juans looking for gold strikes. Similar forays were made in the 1860s but it wasn't until 1872 that many more miners in what is now La Plata County and are considered the first non-native settlers.

Earlier Settlers

By 1873, mining towns had been established: Animas Forks, Eureka, Silverton, Mineral Point and Howardsville. The first county seat was Howardsville named after Lieutenant Howard, and a center of mining activity. In 1874 another group sponsored by T. Parrott from San Francisco expanded activity in La Plata Canyon in the western part of the County and it became a sizable settlement called Parrott City. It became the County seat in 1875 and remained so until 1881 when it had a population of nearly 500. By this time, agricultural activities had begun to take place in La Plata County and this offered more occasions for disagreements with the Indians in the area. The disagreements continued even after the Ute Reservation was founded through treaty with the US Government. In 1880 an agreement was made that firmed up the boundaries of the Southern Ute reservation was made that firmed up the boundaries of the Southern Ute reservation. Although there were incidents over the years, generally the relations between the Tribe and settlers avoided some of the most serious difficulties experienced in other parts of the State. Later in 1892, the abandoned military post of Fort Lewis was converted to use as an Indian school and operated as such until it reached a total of 132 students from various tribes of the southwest. On May 4, 1889 the reservation was opened for settlement by President McKinley. This action changed the face of the reservation considerably although it is still the least settled area of the County even today.

Rapid Development

By 1880, the County population increased to 5,509, a 4,399, 395% increase. Such a rapid rise in a decade was not expected to ever happen again. Until recently that projection was correct. The growth rate from 1990 to 1998 exceeded the 1872-1880 rate in absolute numbers: the County population shot up from 32,284 in 1990 to a projected 42,174 for 1998, an increase of 9,781 or 30%. Generally, over the years, whenever mining interests expanded, development in the County was much higher. Other factors, however, contributed to the 1880s growth such as the arrival of the Denver and Rio Grande railroad from Alamosa in 1881, the opening of the two banks and a newspaper, and a flourishing cattle business. Since that time, La Plata County's economy has become more diversified. In the early years of the County, mining and agriculture were mainstays of the

local economy. Durango World War II, uranium processing was begun for the war effort and in the 1950s the oil and gas industry expanded rapidly bringing a new wave of mineral industry workers to the area. Even now the energy industry plays an important role in the County's development and its economy.

County Economy

Although from the earliest years of the County's history, the extractive industries such as gold, silver and coal mining, uranium processing after WWII, and oil and gas drilling and processing and agriculture were the mainstays of La Plata County's economy. The most recent surge occurred after 1987 when the federal government provided a tax credit for alternative fuels development. Since then more that a 1,000 new coal bed methane gas wells have been drilled in the County. However, the economy has expanded and diversified considerably since the 1950s. Agriculture and mining play a lesser role in the County than in the past. However, in 1998, the energy industry still represents about 40% of the county tax base. Tourism and activities related to tourism represent about 33% of the County economy. The sales of agricultural products is less than 2% of retail sales in the County and agricultural property is less than 1% of the property tax base. Major tourist attractions to the County include the Durango and Silverton Railroad which carries about 200,000 passengers a year 45 miles to the north to Silverton and return. Also, Mesa Verde 40 miles to the west attracts 600,000 to 700,000 visitors a year to the area. The Durango-Purgatory Ski Resort serves 300,000-350,000 skier days annually and attracts visitors to the area when there is traditionally a downturn in the local economy between late November and early April. The peak tourist activity occurs between Memorial Day and Labor Day each year. That's when there may be as many as 40,000+ more people in the County visiting tourist attractions, camping, kayaking, mountain biking or shopping, Since the County has Fort Lewis College, the only four year degree granting institution in Southwestern Colorado, it is also a cultural center for this area. The County is the regional commercial, cultural, and medical services center for this part of Colorado. The area is served by the Durango/La Plata County airport and US 550 for north/south travel and US 160 for east/west travel. There is considerable economic leakage for retail sales to the south in Farmington, New Mexico which offers greater diversity of consumer products. This may be somewhat mitigated as a major retailer is opening a 180,000 square foot anchor store in a new mall south of Durango in July 1998. The construction industry has been a major player in the County economy the last seven years. As we close out the 1990s, La Plata County is experiencing one of the longest periods of

economic growth in its history. Employment has grown more than 33% since 1990 and unemployment (3.9%) is at its lowest ebb in more than 20 years. The economic picture for the county looks positive for the next couple of years with more diversity coming to La Plata County each year.

Tribal Enrollment

Ignacio, Colorado

The Southern Ute Indian Tribal membership is comprised of the Mouache and Capote bands of the Ute Nation. Intermarriage with non-tribal and other Native American Indian Tribes has resulted in the establishment of a Tribal Consitutional requirement that requires persons requesting to be considered for enrollment, into the Southern Ute Indian Tribe, possess 1/4 or more of Southern Ute Indian blood.

Age Group	On Reservation		Off Reservation		Subtotal		Total	Percent of Membership
	Male	Female	Male	Female	Male	Female		
0 - 17	152	169	88	80	240	249	489	38%
18 - 40	172	170	88	79	260	249	509	39%
41 - 55	65	76	13	21	78	97	175	13%
56+	44	47	20	21	64	68	132	10%
Subtotals	433	462	209	201	642	663	1305	100%

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American Indian Reservations and Trust Lands

Name	1990 Population	Land Area (Sq. ft. Miles)	Persons For Whom Poverty Status Deter-mined	% Below Poverty Level
Acoma Pueblo and Trust Lands, NM	2,590	416.7	2,578	49.65
Acoma Pueblo, NM	2,590	411.3	2,578	49.65
Acoma Trust Lands, NM	0	5.4	0	0.00
Agua Caliente Reservation, CA	20,206	49.6	19,575	10.46
Alabama and Coushatta Reservation, TX	478	7.0	548	23.36
Alamo Navajo Reservation, NM	1,271	99.0	1,259	58.86
Allegany Reservation, NY	7,315	41.0	7,128	18.73
Alturas Rancheria, AK	5	0.0	3	0.00
Annette Islands reserve, AK	1,469	128.9	1,458	9.81
Augustine Reservation, CA	0	1.0	0	0.00
Bad River Reservation, WI	1,070	192.0	1,031	45.30
Barona Rancheria, CA	537	9.2	573	14.14
Bay Mills Reservation, MI	461	3.5	438	35.16
Benton Paiute Reservation, CA	63	0.2	75	64.00
Berry Creek Rancheria, CA	2	0.1	0	0.00
Big Bend Rancheria, CA	3	0.1	5	0.00
Big Cypress Reservation, FL	484	81.9	449	19.38
Big Lagoon Rancheria, CA	22	0.0	12	0.00
Big Pine Rancheria, CA	452	0.4	455	23.30
Big Sandy Rancheria, CA	51	0.4	59	32.20
Big Valley Rancheria, CA	108	0.2	81	29.63
Bishop Rancheria, CA	1,408	1.4	1,428	25.21
Blackfeet Reservation, MT	8,549	2371.4	8,278	46.96
Blue Lake Rancheria, CA	58	0.0	53	11.32
Bois Forte (Nett Lake) Reservation, MN	358	163.0	333	39.64
Bridgeport Colony, CA	49	0.1	28	64.29
Brighton Reservation, FL	524	57.0	524	19.08
Burns Paiute Reservation and Trust Lands, OR	163	18.9	198	34.34
Burns Paiute Reservation, OR	163	1.3	198	34.34
Burns Paiute Trust Lands, OR	0	17.6	0	0.00
Cabazon Reservation, CA	819	3.4	850	27.76
Campo Reservation, CA	281	25.8	261	24.90
Camp Verde Reservation, AZ	618	1.0	609	62.56
Canoncito Reservation, NM	1,189	121.6	1,189	59.80
Capitan Grande Reservation, CA	0	20.5	0	0.00
Carson Colony, NV	248	0.2	262	33.59
Catawba Reservation SC (state)	174	1.1	170	27.06
Cattaraugus Reservation, NY	2,178	33.7	2,180	28.17

Name	1990 Population	Land Area (Sq. ft. Miles)	Persons For Whom Poverty Status Deter-mined	% Below Poverty Level
Cedarville Rancheria, CA	8	0.0	10	100.00
Chehalis Reservation, WA	491	7.0	486	40.95
Chemehuevi Reservation, CA	358	49.5	325	24.92
Cheyenne River Reservation, SD	7,743	4265.3	7,705	46.32
Chicken Ranch Rancheria, CA	73	0.1	66	0.00
Chitimacha Reservation, LA	286	0.4	311	37.30

Name	1990 Population	Land Area (Square miles	Persons For Whom Poverty Status Deter-mined	% Below Poverty Level
Siletz Reservation, OR	5	5.8	0	0.00
Skokomish Reservation, WA	614	8.2	607	46.13
Skull Valley Reservation, UT	32	28.2	17	0.00
Smith River Rancheria, CA	104	0.2	179	2.79
Soboba Reservation, CA	369	9.1	435	25.98
Sokaogon Chippewa Community and Trust Lands, WI	357	2.9	333	64.26
Sokaogon Chippewa Community, WI	266	2.4	298	67.11
Sokaogon Chippewa Trust Lands, WI	91	0.4	35	40.00
Southern Ute Reservation, CO	7,804	1058.6	7,855	17.91
Spokane Ute reservation, WA	1,502	237.5	1,435	37.14
Squaxin Island Reservation and Trust Lands, WA	157	2.5	194	29.90
Squaxin Island Reservation, WA	0	2.2	0	0.00
Squaxin Island Trust Lands, WA	157	0.3	194	29.90
Standing Rock Reservation, ND-SD	7,956	3567.3	7,917	44.81
Stewarts Point Rancheria, CA	91	0.1	89	62.92
Stillaguamish Reservation, WA	113	0.0	112	76.79
Stockbridge Reservation, WI	581	34.8	563	25.04
Sulphur Bank (El-Em) Rancheria, CA	93	0.1	96	50.00
Summit Lake Reservation, NV	7	17.4	8	0.00
Susanville Reservation, CA	454	0.2	490	20.61
Swinomish Reservation, WA	2,282	11.4	2,277	15.42
Sycuan Reservation, CA	4	1.0	0	0.00
Table Bluff Rancheria, CA	48	0.0	45	64.44
Table Mountain Reservation, CA	51	0.2	44	22.73
Tama Reservation, GA (state)	22	0.1	20	70.00
Taos Pueblo and Trust Lands, NM	4,754	156.1	4,682	32.14
Taos Pueblo, NM	4,681	154.9	4,610	31.91
Taos Trust Lands, NM	64	1.2	72	47.22
Te-Moak Reservation and Trust Lands	949	27.8	950	35.68
Te-Moak Reservation, NV	31	11.2	27	22.22
Te-Moak Trust Lands, NV				
Tesuque Pueblo and Trust Lands, NM	697	27.0	700	15.43
Tesuque Pueblo, NM	697	26.5	700	15.43
Tesuque Trust Lands, NM	0	0.5	0	0.00
Tonawanda Reservation, NY	501	11.8	483	15.53
Torres-Martinez Reservation, CA	1,462	34.5	1,628	51.29

American Indian Reservation and Trust Lands

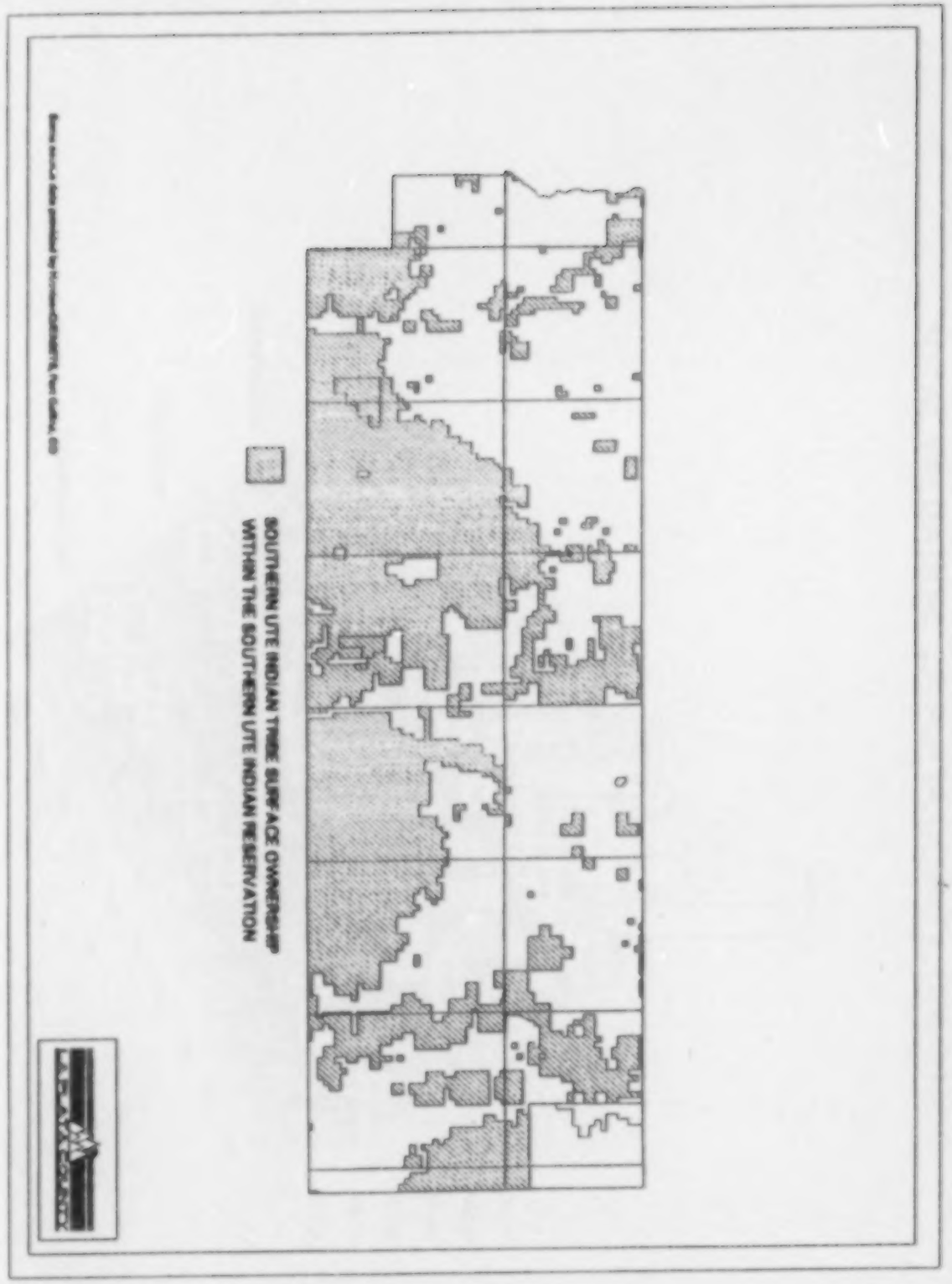
Name	1990 Population	Land Area (Square Miles)	Persons For Whom Poverty Status Deter-mined	% Below Poverty Level
Trinidad Rancheria, CA	78	0.1	71	4.23
Tulalip Reservation, WA	7103	35.2	7060	10.44
Tule River Reservation, CA	798	84.4	798	43.86
Tunica-Biloxi Reservation, LA	29	0.2	32	6.25
Tuolumne Rancheria, CA	135	0.5	85	25.88

Colorado Population Counts and Final Estimates, 1990-1997

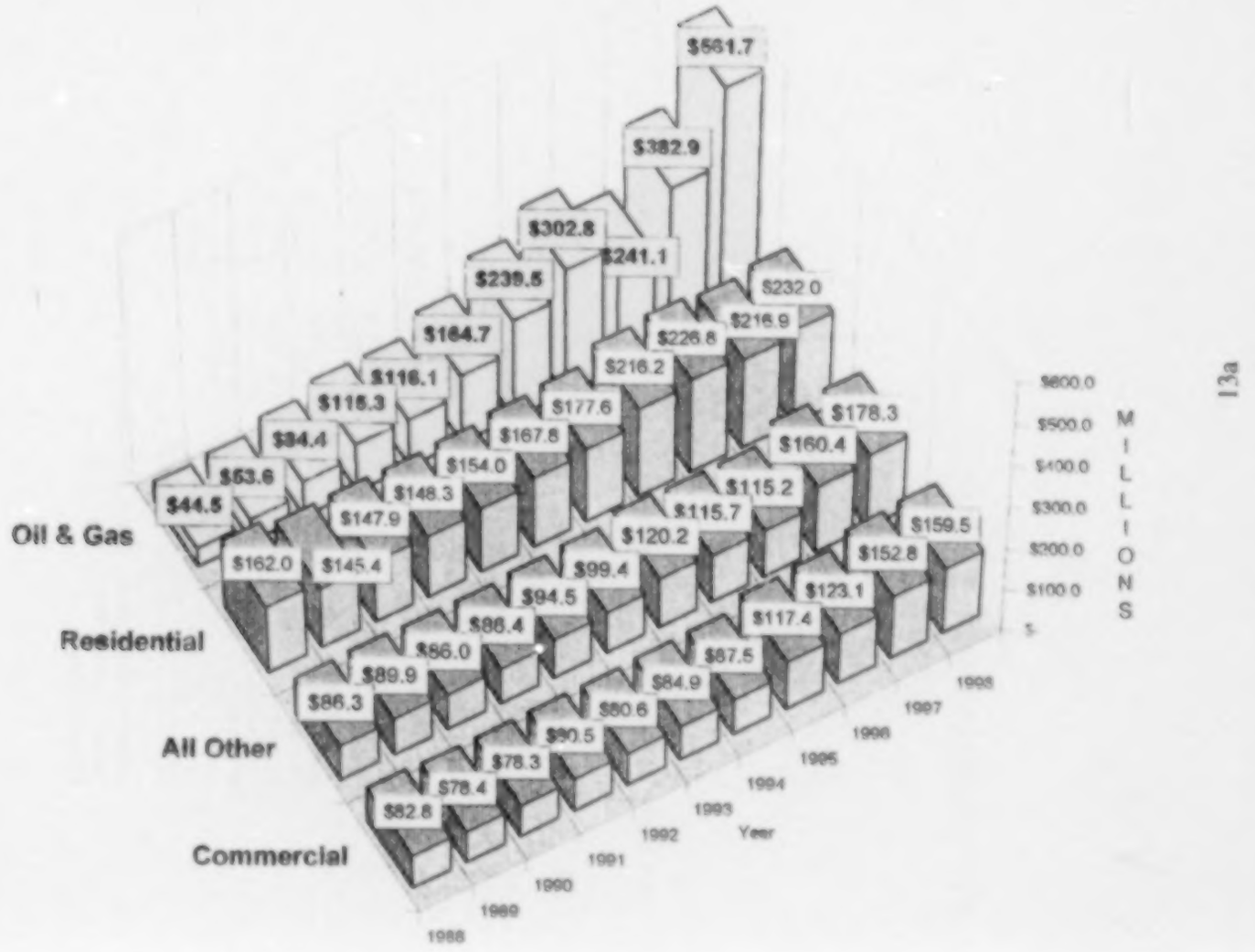
COUNTIES	April 1990	July 1991	July 1992	July 1993	July 1994	July 1995	July 1996	July 1997
COLORADO	3,294,473	3,373,094	3,471,610	3,579,936	3,680,140	3,771,527	3,852,362	3,935,332
Adams	265,038	270,866	276,321	283,279	290,730	299,775	307,394	314,191
Alamosa	13,617	13,825	13,909	14,152	14,486	14,941	15,355	15,703
Arapahoe	391,511	403,991	419,155	429,653	439,323	446,200	455,515	464,320
Archuleta	5,345	5,627	5,882	6,179	6,542	7,113	7,934	8,541
Baca	4,556	4,445	4,308	4,335	4,403	4,443	4,545	4,584
Bent	5,048	4,986	5,089	5,425	5,499	5,676	5,776	5,819
Boulder	225,339	230,814	238,094	246,821	252,118	256,737	260,842	264,975
Chaffee	12,684	12,908	13,202	13,822	14,272	14,868	15,386	15,716
Cheyenne	2,397	2,495	2,440	2,352	2,352	2,344	2,374	2,401
Clear Creel	7,619	7,651	7,839	8,032	8,451	8,675	8,705	8,868
Conejos	7,453	7,498	7,450	7,548	7,631	7,750	7,831	7,881
Costilla	3,190	3,234	3,151	3,278	3,298	3,411	3,461	3,500
Crowley	3,946	3,897	4,043	4,145	4,253	4,328	4,474	4,519
Custer	1,926	2,030	2,175	2,377	2,492	2,718	2,978	3,220
Delta	20,980	21,225	21,862	23,223	24,329	25,175	25,696	25,979
Denver	467,610	473,565	480,175	492,582	494,107	496,171	500,963	504,704
Dolores	1,504	1,444	1,415	1,444	1,523	1,598	1,675	1,721
Douglas	60,391	66,807	75,604	83,519	93,091	104,623	115,746	130,683
Eagle	21,928	23,073	24,213	25,716	27,468	28,860	30,392	32,099
Elbert	9,646	10,319	10,862	11,692	13,066	14,631	16,206	17,487
El Paso	397,014	405,225	421,451	435,101	453,726	466,172	472,739	481,780
Fremont	32,273	32,176	33,703	36,328	38,457	40,202	41,435	42,378
Garfield	29,974	31,140	31,177	32,331	34,160	35,980	37,140	38,252
Gilpin	3,070	3,092	3,250	3,384	3,511	3,683	3,810	4,058
Grand	7,966	8,233	8,320	8,506	8,773	9,219	9,601	9,879
Gunnison	10,273	10,402	10,750	11,271	11,617	11,906	12,161	12,307
Hinsdale	467	450	498	537	599	642	686	714
Huerfano	6,009	6,038	6,147	6,388	6,851	7,071	7,277	7,537
Jackson	1,605	1,583	1,624	1,708	1,743	1,733	1,742	1,771
Jefferson	438,430	449,614	463,449	476,073	483,254	491,089	497,774	503,915
Kiowa	1,688	1,703	1,731	1,750	1,762	1,726	1,763	1,779
Kit Carson	7,140	7,137	7,188	7,203	7,256	7,309	7,361	7,452
Lake	6,007	6,198	6,313	6,425	6,586	7,430	7,918	8,303
La Plata	32,284	33,499	34,592	35,842	37,237	39,190	40,230	40,939
Larimer	186,136	192,593	197,910	204,227	211,394	217,127	221,783	226,326
Las Animas	13,765	13,930	14,239	14,521	15,177	15,440	15,606	15,795
Lincoln	4,529	5,496	6,107	6,067	6,191	6,300	6,501	6,549
Logan	17,567	17,316	17,227	17,468	18,161	18,527	18,653	18,828
Mesa	93,145	96,128	97,659	100,271	103,263	106,035	108,293	110,668
Mineral	588	561	573	575	612	630	669	679
Moffat	11,357	11,432	11,661	11,751	11,935	12,111	12,200	12,464
Montezuma	18,672	19,020	19,577	20,528	21,241	21,965	22,414	22,696
Montrose	24,423	25,239	26,156	27,186	28,365	29,494	30,272	30,996
Morgan	21,939	22,710	23,495	24,261	25,115	25,396	26,083	26,696

Colorado Population Counts and Final Estimates, 1990-1997

COUNTIES	April 1990	July 1991	July 1992	July 1993	July 1994	July 1995	July 1996	July 1997
COLORADO	3,294,473	3,373,094	3,471,610	3,579,936	3,680,140	3,661,527	3,852,362	3,935,332
Otero	20,185	20,487	20,499	20,734	20,884	21,189	21,339	21,457
Ouray	2,295	2,412	2,521	2,632	2,872	3,046	3,203	3,264
Park	7,174	7,723	8,136	8,649	9,625	10,713	11,552	12,583
Phillips	4,189	4,222	4,254	4,412	4,446	4,536	4,572	4,654



TOTAL VALUATION: LA PLATA COUNTY, COLORADO

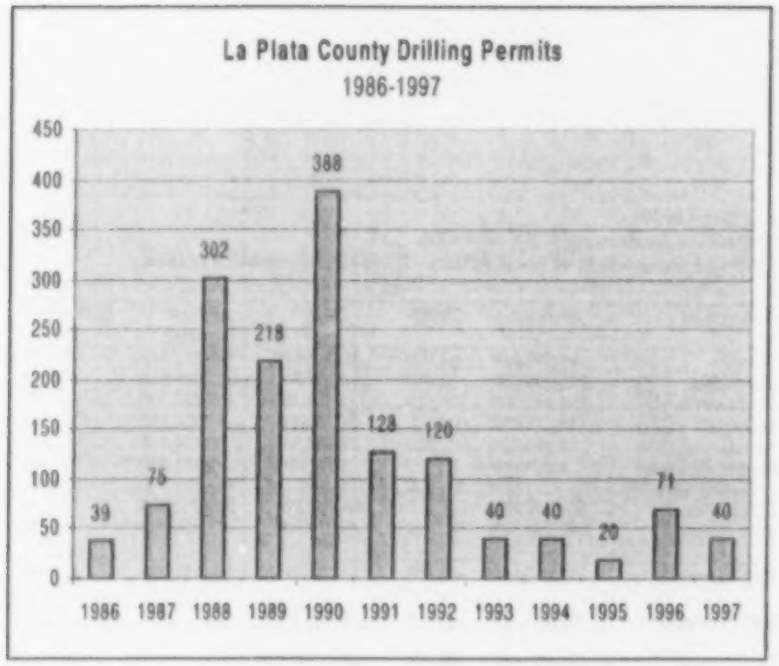


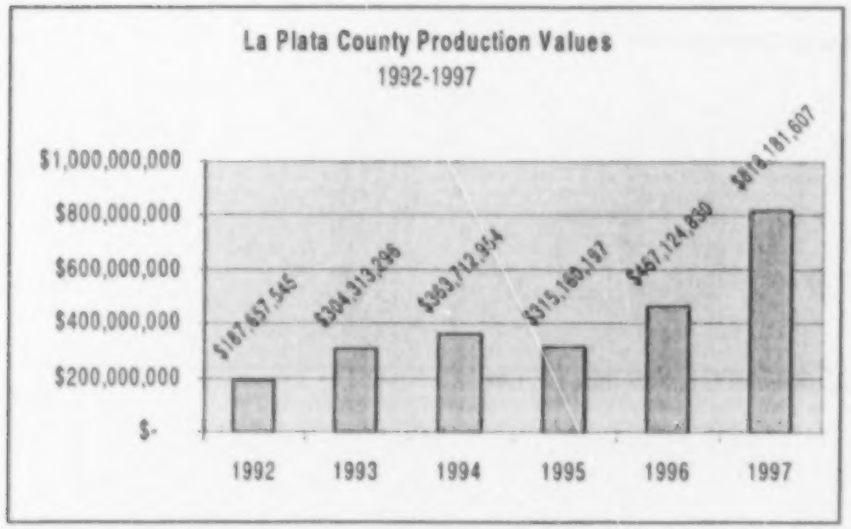
La Plata - 1998
Abstract of Assessment (CRS 39-5-123)
Colorado Department of Local Affairs - Division of Property Taxation

Description	Assessed	CBOE	Total	School District	Difference
Vacant	86,090,880	-68,070	86,022,810	86,022,810	0
Residential	232,048,900	1,910	232,050,810	232,050,810	0
Commercial	159,513,300	0	159,513,300	159,513,300	0
Industrial	31,214,650	0	31,214,650	31,214,650	0
Agricultural	10,434,030	510	10,434,540	10,434,540	0
Natural Resources	2,533,990	0	2,533,990	2,533,990	0
Producing Mines	0	0	0	0	0
Oil and Gas	561,742,810	0	561,742,810	561,742,810	0
State Assessed	48,058,100	0	48,058,100	45,058,100	0
Total Taxable:	**1,131,636,660**	**-65,650**	**1,131,571,010**	**1,131,571,010**	**0**
Total Exempt:	**102,827,550**	**0**	**102,827,550**		
Grand Total:	**1,234,464,210**	**-65,650**	**1,2345,398,560**		

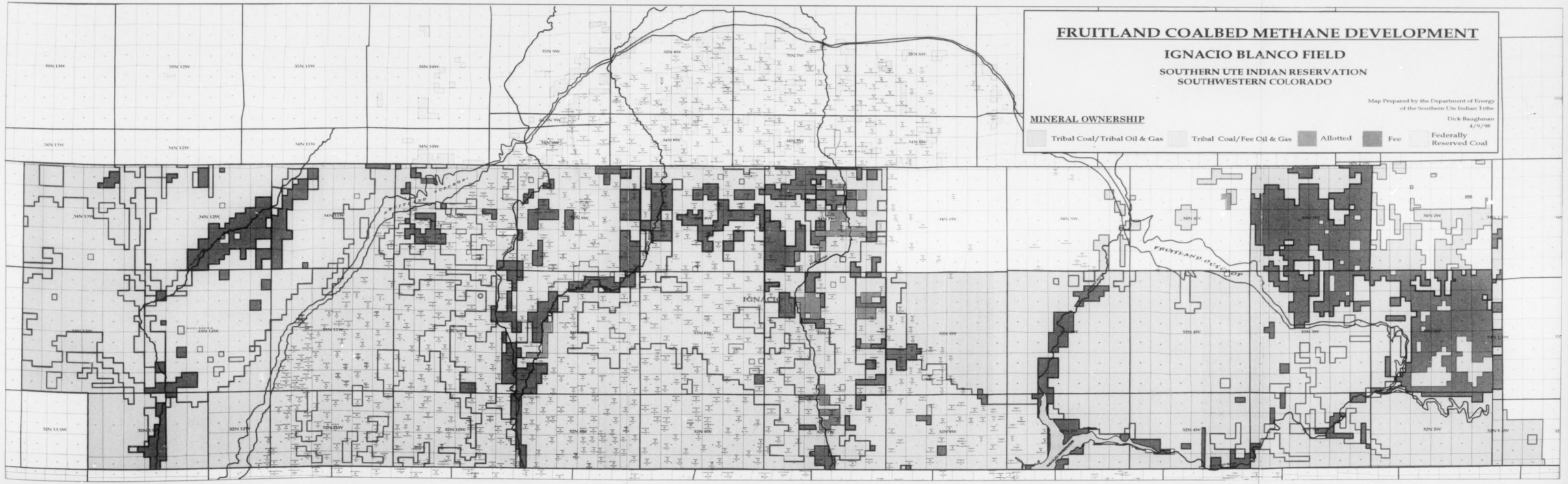
Total changes by County Board of Equalization: 8

FORM 101 AR 1968/1998 - 15 DPT AD - August 26, 1998





Source: Colorado Oil and Gas Conservation Commission


FRUITLAND COALBED METHANE DEVELOPMENT
IGNACIO BLANCO FIELD
SOUTHERN UTE INDIAN RESERVATION
SOUTHWESTERN COLORADO
Map Prepared by the Department of Energy
of the Southern Ute Indian Tribe
Dick Baughman
4/9/98
MINERAL OWNERSHIP
Tribal Coal/Tribal Oil & Gas
Tribal Coal/Fee Oil & Gas
Allotted
Fee
Federally Reserved Coal
FRUITLAND OUTCROP
IGNACIO